IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

MERITA MERRITT BARBEE,	§	
	§	
Plaintiff,	§	
	§	
v.	§	C.A. No. 3:17-cv-00905-K
	§	
THE LINCOLN NATIONAL LIFE	§	
INSURANCE COMPANY and UMB	§	
BANK, N.A.,	§	
	§	
Defendants,	§	
	§	
v.	§	
	§	
ANTHONY F. VACCARO, JR.,	§	
	§	
Third-Party Defendant.	§	

STIPULATION FOR DISMISSAL WITH PREJUDICE

Plaintiff Merita Merritt Barbee ("Barbee"), Defendants The Lincoln National Life Insurance Company ("Lincoln National") and UMB Bank, N.A. ("UMB Bank") (collectively, "Defendants"), and Third-Party Defendant Anthony F. Vaccaro, Jr. ("Vaccaro"), by and through their counsel, hereby stipulate as follows:

- 1. That all claims, demands, debts, or causes of action asserted or assertable herein by Barbee against Defendants and Vaccaro be DISMISSED WITH PREJUDICE;
- 2. That all claims, demands, debts, or causes of action asserted or assertable herein by Defendants or Vaccaro against Barbee be DISMISSED WITH PREJUDICE;
- 3. That all claims, demands, debts, or causes of action asserted or assertable herein by Lincoln National against Vaccaro be DISMISSED WITH PREJUDICE;
- 4. That all claims, demands, debts, or causes of action asserted or assertable herein by Vaccaro against Lincoln National be DISMISSED WITH PREJUDICE;

$\underline{STIPULATION\ FOR\ DISMISSAL\ WITH\ PREJUDICE}\ -\ Page\ 1$

- 5. That all claims, demands, debts, or causes of action asserted or assertable herein by Lincoln National or Vaccaro against UMB Bank be DISMISSED WITH PREJUDICE;
- 6. That all claims, demands, debts, or causes of action asserted or assertable herein by UMB Bank against Lincoln National or Vaccaro be DISMISSED WITH PREJUDICE;
- 7. That Lincoln National's Flexible Premium Adjustable Life Insurance Policy with Optional Indexed Features No. IUL1013528 be CANCELLED and no longer of any force or effect;
 - 8. That all attorney's fees and court costs be paid by the party incurring them; and
- 9. That they respectfully request that the Court enter the Agreed Order of Dismissal with Prejudice submitted herewith.

SO STIPULATED.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on November 15, 2017, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants: Mr. G. Michael Gruber and Ms. Tricia R. DeLeon, Gruber Hail Johansen Shank LLP, 1445 Ross Avenue, Suite 2500, Dallas, Texas 75202, Mr. Scott Shanes and Ms. Sarah N. Wariner, Strasburger & Price, LLP, 2600 Dallas Parkway, Suite 600, Frisco, Texas 75034, and Mr. Kenneth A. Zimmern, Zimmern Law Firm, P.C., 3700 Montrose Blvd., Houston, Texas 77006.

/s/ Andrew C. Whitaker
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